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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/972,264	10/09/2001	Robert Marc Zeidman	3915		
75	90 06/28/2005		EXAMINER		
Robert Zeidman		•	HAQ, NA	HAQ, NAEEM U	
7599 Squirewood Way Cupertino, CA 95014			ART UNIT PAPER NUMBER		
			3625	3625	
			DATE MAILED: 06/28/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Saminer		Application No.	Applicant(s)				
Nasem Haq   3925	Office Action Commons	09/972,264	ZEIDMAN, ROBERT MARC				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estatelesion from remy be available used the providuals of 3 CFR 1.158(a). In one vent, however, may a neply be timely flied after SX (b) MONTHS from the mailing date of this communication.  Estatelesion from reply a sealified used the providuals of 3 CFR 1.158(a). In no event, however, may a neply be timely flied after SX (b) MONTHS from the mailing date of this communication.  If No particle for reply is spelled used, the maintain statistic year ball and part will explain SX (b) MONTHS from the mailing date of this communication.  Failure to reply within the soft or extended private for may vall, by dataflar, cause the application to become ARANONED (35 U.S.C. § 133). Associated patent term adjustment. See 37 CFR 1.704(b).  Status  1) □ Responsive to communication(s) filled on <u>09 October 2001.</u> 2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) <u>1-11</u> is/are pending in the application.  5 □ Claim(s) <u>1-11</u> is/are pending in the application.  5 □ Claim(s) <u>1-11</u> is/are are rejected.  7 □ Claim(s) <u>1-11</u> are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10 □ The drawing(s) filed on <u>1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-</u>	Office Action Summary	Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Editable of the complete of the complete of the procedure of 20 CPR 1.158(s). In one event, however, may a nepty be limitely filled between the procedure of 20 CPR 1.158(s). In one event, however, may a nepty be timely filled between the procedure of 20 CPR 1.158(s). In one event, however, may a nepty be timely filled between the procedure of 20 CPR 1.158(s). In one event, however, may a nepty be timely filled between the procedure of 20 CPR 1.158(s). In one event, however, may a nepty be timely filled between the procedure of 20 CPR 1.158(s). In one event, however, may a nepty be timely filled.  If NO pariod for mally is perified above, the machine material of 30 CPR 1.158(s). In one event, however, may a nepty be timely filled.  If NO pariod for mally is perified between the manifest and the mediated of the schortenuncation, over if timely filled, may reduce a my camera platest form adjustment. See 37 CPR 1.704(s).  Status  1) □ Responsive to communication(s) filled on 09 October 2001.  2a) □ This action is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1.11 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are rejected.  7.□ Claim(s) is/are allowed.  6) □ Claim(s) is/are rejected to.  9) □ The specification is objected to by the Examiner.  10 □ The drawing(s) filled on is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  9) □ The specification is objected to by the Examiner.  10 □ The drawing(s) isolipated to by a filled to proceed to the drawing(s) is objected to See 37 CFR 1.121(d).  11 □ The oath or declaration, is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35		•					
THE MAILING DATE OF THIS COMMUNICATION.  Edemicina of them may be well willow under the provisions of 3 CPR 1.13(e). In no event, however, may a reply be timely filed effer SX (8) MONTES from the nation date of this communication. If the provision of the communication of making the state of the communication of making points of the communication of making points of the communication. Failure to reply willine the set or celebrated principle of the provision of the communication of the state of the communication, own if timely (8) MONTES from the mailing date of this communication, own if timely (8) MONTES from the mailing date of this communication, own if timely (8) MONTES from the mailing date of this communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication, own if timely (8) MONTES from the mailing date of the communication own if timely (8) MONTES from the mailing date of the communication own if timely (8) MONTES from the mailing date of the communication own if timely (8) MONTES from the mailing date of the communication own if timely (8) MONTES from the mailing date of the communication own if timely	· · · · · · · · · · · · · · · · · · ·						
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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-6, drawn to an apparatus to gather data from an e-commerce website, classified in class 705, subclass 26.
- II. Claims 7 and 8, drawn to a method for gathering data from an ecommerce website, classified in class 705, subclass 26.
- III. Claim 9, drawn to a method for gathering data from an e-commerce website, classified in class 705, subclass 26.
- IV. Claim 10, drawn to a method for updating a database with data from an ecommerce website, classified in class 705, subclass 26.
- V. Claim 11, drawn to a method for updating a database with data from an ecommerce website, classified in class 705, subclass 26.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process of invention II can be practiced by hand because

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the steps of accepting, examining, determining, and presenting do not require any technology and can be performed manually.

Inventions I and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process of invention III can be practiced by another and materially different apparatus such as an apparatus that does not use database management software.

Inventions I and IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process of invention IV can be practiced by another and materially different apparatus such as an apparatus that does not use database management software.

Inventions I and V are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process of invention V can be practiced by hand because the steps of providing, searching, retrieving, and storing can be performed manually.

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Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as a method for gathering data from an e-commerce website that does not query the user for format information as required in invention II. See MPEP § 806.05(d).

Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a method for gathering data from an e-commerce website that does not require the agent software of invention IV. See MPEP § 806.05(d).

Inventions II and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as a method for updating a database that does not query the user for format information as required in invention II. See MPEP § 806.05(d).

Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as a method for updating a database with data from an e-commerce website that does not require examining a database for information as required in invention III.

Inventions III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are

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shown to be separately usable. In the instant case, invention V has separate utility such as a method for updating a database with data from an e-commerce website that does not require examining a database for information as required in invention III. See MPEP § 806.05(d).

Inventions IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as a method for updating a database with data from an e-commerce website that does not require the agent software of invention IV. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (571)-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Naeem Haq, Patent Examiner

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June 18, 2005

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